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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/711,403	11/13/2000	Kenneth Charles Cox	4366-67	7629
7590	10/17/2005		EXAMINER	
SHERIDAN ROSS P.C. Douglas W. Swartz 1560 Broadway Road Suite 1200 Denver, CO 80202			AMINI, JAVID A	
			ART UNIT	PAPER NUMBER
			2672	
DATE MAILED: 10/17/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/711,403	COX ET AL.	
	Examiner	Art Unit	
	Javid A. Amini	2672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 August 2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) _____ is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 50-92 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/16/2005 has been entered.

Response to Arguments

Applicant's arguments with respect to new claims 50-92 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 50-92 rejected under 35 U.S.C. 103(a) as being unpatentable over Sacerdoti (submitted in PTO-892 on 1/16/2003), and further in view of Microsoft Office 2000 professional edition (G. Courier; A. Marquis, dated 1999), hereinafter referred as an Office2000).

Claim 50.

Sacerdoti at col. 2, lines 3-13 discloses that data tuples may be supplied to computer users in many formats, including, among others, real-time data feeds, databases (relational or otherwise), flat files, and spreadsheets, and covers the following claim's limitation: "(a) receiving a set of data values". At the same col. 2 discloses that users might be able to quickly

and easily discern correlations and trends as well as generate interesting graphics for business presentations. That is similar to the following claim's limitation: "(b) generating a first graphical image representative of the data values". Sacerdoti at col. 10, lines 7-13 discloses the variables list 40, as indicated at block 76 the variables to be presented can be preset or the user can select them, see following claim's limitation: "(c) selecting first and second data values on the first graphical image, a first portion of the first graphical image being positioned between the selected first and second data values." Sacerdoti in fig. 5 illustrates three data values (i.e. volume, price and dept/equity).

Sacerdoti at col. 9, lines 45-52 discloses that the user can click on a graphics object 48 and move the object 48. When a graphics object 48 is moved or otherwise has one of its attributes changed, the system 10 simultaneously causes the underlying variable value in the database to be changed appropriately. Thus, the user can change the database by manipulating the graphics objects 48. "(d) editing the first portion of the first graphical image to produce a second graphical image, wherein the first and second graphical images are different and wherein editing comprises at least one of the following substeps: (Examiner's interpretation: It's obvious changing a portion of a first graphical image resulted a different graphical image (Applicant referred as a second graphical image), Applicant requires elaborating about the current claim's limitation), (c1) repositioning at least one point on the first portion of the first graphical image using a user manipulable affordance positioned on the first graphical image; and (c2) applying a user selected first editing function to the first graphical image, the user selecting the first editing function from among a plurality of predetermined editing functions". Sacerdoti at col. 9, lines 63-67 discloses that portion of the system 10 see fig. 5, can be configured as a separate application to accept as

input the relevant variable values and animation controls, so that it can be operated independently of the original data source. Sacerdoti at col. 3, lines 19-29, the program product instructs a computing device to present, on the display, a variable list of at least some of the variables. Also, the program on the program product includes presenting, on the display or displays, a graphical list of at least some graphics attributes of at least one graphics object. Moreover, the program includes permitting a user to correlate at least some of the variables to respective graphics attributes, and presenting on the display the graphics object or objects, based on the correlation of variables to graphics attributes. The graphics object or objects may be displayed with the lists, see following claim's limitation: "(e) recalculating at least a portion of the set of data values based on the second graphical image". Sacerdoti at col. 4, lines 40-48 discloses steps that receiving one or more user-generated inputs representative of respective one or more variables, and accessing a set of electronically stored correlation rules (i.e. considered as editing function; Examiner's comment: Applicant may specify the type of editing function in the claim language). Also, the present computer steps include, based on the accessing and receiving steps, automatically correlating at least some of the variables to respective graphics attributes. Applicant claims recalculating at least a portion of the set of data values based on the second graphical image, i.e. similar to what Sacerdoti discloses at col. 4, lines 46-47 the graphics object or objects are then presented on the display, based on automatically correlating step. Examiner's comment: an object or graphical must have a property, or a feature of the immediate environment, that indicates how that object, graphical image or feature can be interfaced with. Sacerdoti does not explicitly specify the plurality of editing functions include a plurality of a Gaussian distribution, a Poisson distribution, a uniform editing function, a double ramp editing

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function, and an exponential editing function, however, in fig. 10 step 124 and 132 illustrates using Office2000 spreadsheet. The steps are obvious, because Office2000 covers a plurality of the editing functions under main menu “Insert” then tab to “function”, see pages 592-593. A person skill in the art would have been written a customized formula in a cell of a spreadsheet that links to rows or columns or both to display the results of data. Examiner’s note: FYI... the normal distribution is also called a Gaussian distribution. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to substitute applicant ’s described structure, with modification of a spreadsheet in Office2000 into Sacerdoti’s invention in order to apply various editing functions to selected variable and editing range.

Examiner’s note: the rejections for the repeated claims are not shown, see below.

Claims 51, 66 and 80.

The method of claim 50, wherein the set of data values is a table and wherein the table includes a plurality of measurements of a parameter and wherein the parameter has a time varying value. The step of the set of data values is obvious because Sacerdoti at col. 2, lines 3-7 teaches the options.

Claims 52, 67 and 81.

The method of claim 51, wherein the table is used to simulate a workflow process. The step is obvious because that is one of the functions of using a table. Examiner’s comment: Applicant may emphasize the type of workflow process.

Claims 53, 68 and 82.

The method of claim 50, further comprising: (f) displaying a value associated with a specified location on at least one of the first and second graphical images in response to the user

positioning a cursor over the specified location, wherein the value is displayed in the vicinity of the cursor. The step is not clear. Applicant should provide better claim language to represent the claim invention clearer. Because, the value has to be associated with a specific location on the display. The last sentence does not provide enough weight to represent the significant of the vicinity of the cursor.

Claims 54-55, 69-70 and 83-84.

Sacerdoti in fig. 13 illustrates the following limitation. The method of claim 50, wherein each of the first and second graphical images is a strip chart.

Claims 56, 71 and 85.

Sacerdoti in col. 13, lines 20-23 that Real time data input, e.g., from a scientific instrument, can also be used. See following limitation: The method of claim 54, wherein the first and second graphical images comprise a time-series of values associated with comparable measures.

Claims 57, 72 and 86.

The method of claim 50, wherein the set of data values is in the form of a plurality of cells, each cell containing a data value. The step is obvious, *id.*

Claims 58, 73 and 87.

See rejection of claim 50 that applies to the following claim's invention: The method of claim 50, wherein substep (c1) is performed.

Claims 59, 74 and 88.

Sacerdoti at col. 3, lines 42-45 discloses in one embodiment, clicking and dragging a database variable from the variable list onto a graphics attribute in the graphical list. See

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following step: The method of claim 58, wherein the affordance is repositioned using a click-and-drag operation.

Claims 60, 75 and 89.

Sacerdoti in fig. 7 step 98 and 100 illustrates the step of the following claim invention: The method of claim 58, wherein, when the user selects a first mode, a plurality of affordances are displayed on the first graphical image.

Claims 61, 76 and 90.

See rejection 50 for the method of claim 50, wherein substep (c2) is performed.

Claims 62, 77 and 91.

Sacerdoti in fig. 4, illustrates a dialog box 44, wherein a representation of each of the plurality of editing functions is displayed with the first graphical image in one or more dialog boxes.

Claims 63, 78 and 92.

The following steps are obvious, because Office2000 covers a plurality of the editing functions under main menu “Insert” then tab to “function”. A person skill in the art would have been written a customized formula in a cell of a spreadsheet that links to rows or columns or both to display the results. The method of claim 61, wherein the plurality of editing functions include a plurality of a normal distribution, a Gaussian distribution, a Poisson distribution, a uniform editing function, a double ramp editing function, and an exponential editing function.

Claim 64.

A computer readable medium comprising processor executable instructions to perform the steps of claim 50. The step is obvious and very broad, Applicant should emphasize in type of instructions.

Claims 65 and 79.

The rejection of claim 50 applies to the rejection of claims 65 and 79.

Conclusion

All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114.

See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javid A. Amini whose telephone number is 571-272-7654. The examiner can normally be reached on 8-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on 571-272-7664. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Javid Amini


JEFFERY ERICKSON
PRIMARY EXAMINER

Javid A Amini
Examiner
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